

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ROBIN MECEY and DAVID MECEY,)
Plaintiffs,)
v.)
CITY OF FARMINGTON, MISSOURI, *et al.*,)
Defendants.)
No. 4:19CV1526 RLW

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs Robin Mecey and David Mecey's ("Plaintiffs") Motion to Stay Proceedings and Motion for Leave to File Plaintiffs' Second Amended Complaint (ECF No. 29). In the motion, Plaintiffs ask the Court to stay the proceedings and grant them leave to file a second amended complaint to and including January 18, 2020. Alternatively, they request additional time to respond to Defendants' pending motions.

With respect to the motion for leave to file a second amended complaint, the Court notes the proposed date has passed with no further filings from Plaintiffs. Additionally, Plaintiffs have neither attached a proposed second amended complaint nor shown good cause for filing a second amended complaint, other than vague references to new evidence and facts being adduced in a state court hearing. As noted in a prior Order, the Eighth Circuit has held “that granting leave to amend a complaint where the plaintiff has not submitted a proposed amendment is inappropriate.” *Popoalii v. Corr. Med. Servs.*, 512 F.3d 488, 497 (8th Cir. 2008). The Court previously allowed Plaintiffs to file an amended complaint despite their failure to comply with the procedural rules of this district. However, the Court finds at this juncture Plaintiffs’ motion must be denied.

The Court will allow Plaintiffs additional time to file responses to the pending Motion to Dismiss Plaintiffs' First Amended Complaint (ECF No. 19) and Defendants' Motion for Judgment on the Pleadings or to Dismiss Plaintiffs' First Amended Complaint (ECF No. 23). Plaintiffs are advised they are bound by the same litigation rules as is a lawyer, despite their *pro se* status. *Lindstedt v. City of Granby*, 238 F.3d 933, 937 (8th Cir. 2000); *see also Escobar v. Cross*, No. 4:12CV00023-JJV, 2013 WL 709113, at *1 (E.D. Ark. Feb. 27, 2013) ("Pro se litigants are required to follow the same rules of procedure, including the local court rules, that govern other litigants.").

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion to Stay Proceedings and Motion for Leave to File Plaintiffs' Second Amended Complaint (ECF No. 29) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiffs shall file responses to Defendants' motions to dismiss (ECF Nos. 19, 23) no later than March 5, 2020.

IT IS FURTHER ORDERED that Defendants shall file reply briefs no later than March 19, 2020.

IT IS FINALLY ORDERED that the Clerk of the Court shall mail a copy of this Memorandum and Order to Plaintiffs Robin Mecey and David Mecey at P.O. Box 242, Bismarck, MO 63624.

Dated this 19th day of February, 2020.


RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE